

JUDGE DANIELS

FILE COPY

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York  
By: CAROLINA A. FORNOS  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007  
Telephone: (212) 637-2740  
Facsimile: (212) 637-2702  
Email: carolina.fornos@usdoj.gov

08 CV 02216

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

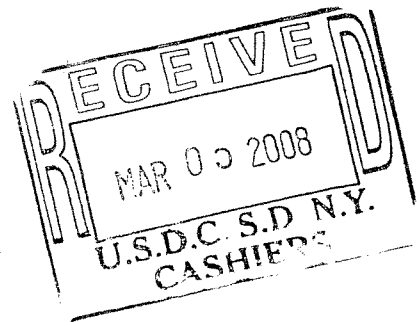
UNITED STATES OF AMERICA,

Plaintiff,

v.

JGB, L.L.C., d/b/a General Fire-Proof Door  
Corporation, Proof Holdings, Ltd.

Defendant.



No. \_\_\_\_\_

COMPLAINT

Plaintiff the United States of America (the "United States"), by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, for its Complaint, alleges upon information and belief as follows:

NATURE OF ACTION

1. This is an action to recover money on two delinquent debts owed by Defendant JGB, LLC, d/b/a General Fire-Proof Door Corporation ("Defendant") to the United States. These debts stem from Defendant's repeated workplace safety violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*, as noted and cited by the Occupational Safety and Health Administration ("OSHA"), during inspections of Defendant's workplace between May and October 2004.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.
3. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b).

THE PARTIES

4. Plaintiff is the United States of America.
5. Defendant JGB, L.L.C., d/b/a General Fire-Proof Door Corporation, Proof Holdings, Ltd., has a principal place of business at 913 Edgewater Road, Bronx NY 10474.

FACTUAL ALLEGATIONS AND CLAIM FOR RELIEF

6. On November 2, 2004, OSHA issued a Citation and Notification of Penalty to Defendant setting forth a number of violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*, resulting from inspections that took place between May 4, 2004 and September 27, 2004, and proposing penalties of \$53,250.00. A true and correct copy of this Citation and Notification of Penalty is attached hereto as Exhibit A and incorporated herein.
7. On November 2, 2004, OSHA also issued a second Citation and Notification of Penalty to Defendant setting forth a number of violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*, resulting from inspections that took place between May 5, 2004 and October 13, 2004, and proposing penalties of \$17,500.00. A true and correct copy of this Citation and Notification of Penalty is attached hereto as Exhibit B and incorporated herein.
8. Defendant subsequently contested both OSHA citations, bringing the case before the Occupational Safety and Health Review Commission ("OSHRC"). Defendant, however, failed to comply with procedural and discovery requests during these proceedings, resulting in an

Administrative Law Judge (“ALJ”) issuing an Order on August 29, 2005, finding Defendant in default and dismissing Defendant’s contest. A true and correct copy of this Order is attached hereto as Exhibit C and incorporated herein.

9. Defendant subsequently filed a timely petition for discretionary review of the order finding him in default and assessing total penalties at \$70,750, the total of both citations set forth in Exhibits A and B. Because Defendant did not file a brief on the issue as instructed by the OSHRC, the petition for review was vacated and the prior ALJ Order deemed final. A true and correct copy of the February 2, 2006 Order is attached hereto as Exhibit D and incorporated herein.

10. On April 21, 2006, OSHA sent two demand letters to Defendant, seeking payment of the two penalty amounts, plus interest and administrative costs. The first letter sought \$53,437.50, and the second letter sought \$17,568.33. Defendant, however, did not respond to these letters. A true and correct copy of the demand letters are attached hereto as Exhibit E and incorporated herein.

11. After OSHA’s attempts to collect on the debts were unsuccessful, OSHA referred the matter to the Department of the Treasury’s Financial Management Service (“FMS”) for administrative debt collection as required by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, (“DCIA”).

12. On September 9, 2006, FMS sent separate demand letters to the Defendant for each debt, including applicable fees, interest, and penalties as of the date of the letter. The first sought a total of \$70,571.20, and the second sought \$23,209.60. A true and correct copy of these two letters are attached hereto as Exhibit F and incorporated herein.

13. By letter dated October 10, 2006, Defendant responded to FMS, stating that Defendant had ceased operations in February 2006, but that it would like to work out a settlement agreement if possible. A true and correct copy of this letter is attached hereto as Exhibit G and incorporated herein.

14. The debts remain unresolved and unpaid at this time. Two certificates of indebtedness from OSHA, as of February 26, 2008, in the amount of \$72,688.34, and \$23,905.89, are attached hereto as Exhibit H and incorporated herein. Despite due demand, Defendant has failed to pay the amount demanded.


WHEREFORE, Plaintiff United States demands judgment against Defendant in the total amount of \$96,594.23, comprising the two OSHA debts, as well as all applicable fees, penalties, and interests, and for such other and further relief as the Court may deem proper.

Date: March 3, 2008  
New York, New York

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:

  
CAROLINA A. FORNOS  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007  
Tel.: (212) 637-2740  
Fax: (212) 637-2702

# **EXHIBIT A**

**U.S. Department of Labor**

Occupational Safety and Health Administration

Tarrytown Area Office

660 White Plains Road 4th Floor

Tarrytown, NY 10591-5107

Phone: (914)524-7510 FAX: (914)524-7515

OSHA Website Address: <http://www.osha.gov>

## Citation and Notification of Penalty

**To:**  
 JGB LLC dba General Fire-Proof Door Corporation  
 and its successors  
 913 Edgewater Road  
 Bronx, NY 10474

**Inspection Number:** 307659144  
**Inspection Date(s):** 05/04/2004-09/27/2004  
**Issuance Date:** 11/02/2004

**Inspection Site:**  
 913 Edgewater Road  
 Bronx, NY 10474

**ATTN:** Mr. Rubin Kuszel (President)

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please read the following paragraphs which outline your rights and responsibilities. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may call to request one with the Area Director before the 15 working day contest period ends. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you decide to request an informal conference, call our office at (914) 524-7510 between 8AM and 4PM for an appointment. Complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that, if you intend to contest, a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached is a letter with a form to assist you in meeting this requirement.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Internet Posting Notice:** You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.



**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/02/2004. The conference will be held at the OSHA office located at Tarrytown Area Office, 660 White Plains Road 4th Floor, Tarrytown, NY, 10591-5107 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659144  
Inspection Dates: 05/04/2004 - 09/27/2004  
Issuance Date: 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

#### Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.23(b)(1)(i): Wall opening(s) from which there was a drop of more than four (4) feet, were not guarded by a rail, roller picket fence, half door, or equivalent barrier:

- a) Loading Dock/Sanding Area: The wall opening was not provided with standard guardrails or otherwise guarded to protect the employees from a fall hazard of approximately 8', on 05/04/04.

**NOTE:** Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 1250.00

#### Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.36(d) Exit door(s) were locked:

- a) Welding Area: The exit door was locked with key and cylinder lock device and a sliding bolt lock, on or about 05/04/04.

**NOTE:** Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 2500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004 - 09/27/2004  
**Issuance Date:** 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

#### Citation 1 Item 3a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- a) Throughout The Facility: The employer did not develop and implement lockout procedures for employees who are repairing, cleaning, servicing, setting up and performing maintenance on the company's machines, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/21/2004
Proposed Penalty:	\$ 2500.00

#### Citation 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, selflocking fasteners, or other hardware were not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

- a) Throughout The Facility: Employees who are expected to repair, clean-up, set-up and perform maintenance on the company's machines, were not provided with lockout/tagout hardware, such as but not limited to tags, locks and plug locks, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/21/2004
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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659144  
Inspection Dates: 05/04/2004 - 09/27/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 3c Type of Violation: Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees required the knowledge and skills required for the safe application, usage and removal of energy control devices:

- a) Throughout The Facility: Employees who are expected to clean-up, set-up, repair, and perform maintenance on the company's machines were not provided with training, on or about 05/04/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

**Date By Which Violation Must be Abated:** 12/21/2004

**Citation 1 Item 4a Type of Violation: Serious**

29 CFR 1910.179(j)(2)(iv): Monthly inspections of hoist chains, with signed reports, were not performed:

- a) Dipping Area, Warehouse Area and Welding Area: The employer did not conduct inspections of the chains on the company hoist systems, on or about 05/04/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

**Date By Which Violation Must be Abated:** 12/21/2004  
**Proposed Penalty:** \$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004-09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 4b** Type of Violation: **Serious**

29 CFR 1910.179(j)(2)(iii): Monthly inspections of hooks, with signed reports, were not performed:

- a) The Dipping and Welding Areas: The employer did not conduct inspections of the hooks on the company hoist systems, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004

**Citation 1 Item 5a** Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by the unexpected actuation of the foot control while the operator's hands is in the point of operation.

- a) Press Brake Area: The foot treadles on the press brake machines were not guarded against unintended contact, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004  
**Proposed Penalty:** \$ 2500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004 - 09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 5b** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) Spot Welding Area: The spot welding machines were not equipped with guards to prevent the operators fingers from coming in contact with the point of operation, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004

**Citation 1 Item 6a** Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Grinding machinery was not used with work rest(s) to support offhand grinding work:

- a) Welding Area: The Black & Decker bench grinder did not have a work rest, on or about 05/4/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004  
**Proposed Penalty:** \$ 750.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004 - 09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 6b Type of Violation: Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one-fourth inch:

- a) **Welding Area:** The Black & Decker bench grinder did not have an adjustable tongue guard, on or about 05/04/04.

**NOTE:** Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004

**Citation 1 Item 7 Type of Violation: Serious**

29 CFR 1910.303(f): Each disconnecting means for motors and appliances was not located and arranged so the purpose was evident, nor legibly marked to indicate its purpose:

- a) **Throughout The Facility:** The disconnect service panels were not marked, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004  
**Proposed Penalty:** \$ 750.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004-09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 2 Item 1a** Type of Violation: **Willful**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) Press Brake Area: The press brake machines were not equipped with guards to prevent the operators hands from entering into the point of operation, on or about 05/04/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	12/21/2004
Proposed Penalty:	\$ 42000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004 - 09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 2 Item 1b** Type of Violation: **Willful**

29 CFR 1910.217(c)(1)(i): The employer did not provide and ensure the usage of "point of operation guards" or properly applied point of operation devices on every operation performed on mechanical power press(es):

- a) Welding Area near the Dipping Room: The mechanical power press machine was not equipped with a barrier guard or otherwise guarded to prevent the employees hands from entering into the point of operation, on or about 05/04/04, 05/05/04, and 06/29/04.

**NOTE:** Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004 - 09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 3 Item 1** Type of Violation: **Other**

29 CFR 1910.178(l): Operators were not trained in the safe operation of powered industrial trucks:

- a) Facility: Employees operating the forklift(s) were not provided with training as per the requirement of this standard, on or about 05/04/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	12/21/2004
Proposed Penalty:	\$ 0.00

**Citation 3 Item 2a** Type of Violation: **Other**

29 CFR 1910.217(d)(9)(i): The employer did not establish a die setting procedure for mechanical power press(es) that would ensure compliance with 29 CFR 1910.217(b):

- a) Die Press Area: The employer did not develop or implement a die setting procedure for the employees who set the dies on the mechanical power press machines, on or about 05/04/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	12/21/2004
Proposed Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659144  
**Inspection Dates:** 05/04/2004-09/27/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

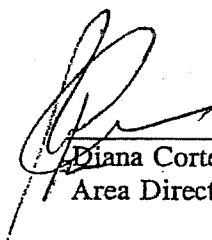
**Citation 3 Item 2b** Type of Violation: **Other**

29 CFR 1910.217(e)(1)(i): A program of periodic and regular inspections of mechanical power press(es) was not established and followed to insure that all parts, auxiliary equipment and safeguards were in a safe operating condition and adjustment:

- a) Power Press Areas: The employer did not develop and implement an inspection program for the company's power press nor were inspection records maintained, on or about 05/04/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/21/2004

  
Diana Cortez  
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Tarrytown Area Office  
660 White Plains Road 4th Floor  
Tarrytown, NY 10591-5107  
Phone: (914)524-7510 FAX: (914)524-7515  
OSHA Website Address: <http://www.osha.gov>



## INVOICE/ DEBT COLLECTION NOTICE

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474  
**Issuance Date:** 11/02/2004

**Summary of Penalties for Inspection Number 307659144**

Citation 1, Serious	= \$	11250.00
Citation 2, Willful	= \$	42000.00
Citation 3, Other	= \$	0.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>53250.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 2%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.



**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
Diana Cortez  
Area Director

11/2/04  
\_\_\_\_\_  
Date



**U.S. Department of Labor**

Occupational Safety and Health Administration  
Tarrytown Area Office  
660 White Plains Road 4th Floor  
Tarrytown, NY 10591-5107  
(914) 524-7510  
FAX: (914) 524-7515  
OSHA Website Address: <http://www.osha.gov>



November 2, 2004

**RE: Abatement Certification**  
**JGB LLC dba General Fire-Proof Door Corporation**  
**Inspection No. 307659144.**

**FROM: Diana Cortez**  
**Area Director, Tarrytown Area Office**

In accordance with 29 CFR 1903.19, Abatement Verification, effective May 30, 1997, employers are required to certify that abatement has been accomplished and, under certain circumstances, are required to submit documented proof of abatement of cited violations. The enclosed OSHA-2 Citation and Notification of Penalty has been annotated as to which items require abatement certification and which require abatement certification and documentation. Please list the specific method of correction and the date of correction for each citation item requiring abatement certification. In addition, please submit documentation for those items requiring abatement certification and documentation. Examples of such documentation would be evidence of purchase or repair of equipment, photographic or video evidence of abatement or other written evidence.

This information must be submitted to our office within 10 days of the date each violation must be abated.

I certify that all employees and their representatives have been informed of all abatement action taken on these violations.

I attest that the information contained in this document is accurate.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date

JGB LLC dba General Fire-Proof Door Corporation  
307659144

Citation # , Item # was corrected on (date)\_\_\_\_\_

Explain how condition(s) were corrected.

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Citation # , Item # was corrected on (date)\_\_\_\_\_

Explain how condition(s) were corrected.

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Citation # , Item # was corrected on (date)\_\_\_\_\_

Explain how condition(s) were corrected.

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Citation # , Item # was corrected on (date)\_\_\_\_\_

Explain how condition(s) were corrected.

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# **EXHIBIT B**

**U.S. Department of Labor**  
 Occupational Safety and Health Administration  
 Tarrytown Area Office  
 660 White Plains Road 4th Floor  
 Tarrytown, NY 10591-5107  
 Phone: (914)524-7510 FAX: (914)524-7515  
 OSHA Website Address: <http://www.osha.gov>



## Citation and Notification of Penalty

**To:**  
 JGB LLC dba General Fire-Proof Door ~~Corporation~~  
 and its successors  
 913 Edgewater Road  
 Bronx, NY 10474

**Inspection Number:** 307659383  
**Inspection Date(s):** 05/05/2004-10/13/2004  
**Issuance Date:** 11/02/2004

**Inspection Site:**  
 913 Edgewater Road  
 Bronx, NY 10474

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

Attn: Mr. Rubin Kuszel - President

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please read the following paragraphs which outline your rights and responsibilities. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may call to request one with the Area Director before the 15 working day contest period ends. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you decide to request an informal conference, call our office at (914) 524-7510 between 8AM and 4PM for an appointment. Complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that, if you intend to contest, a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached is a letter with a form to assist you in meeting this requirement.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Internet Posting Notice:** You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.



**U.S. Department of Labor**  
Occupational Safety and Health Administration



**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/02/2004. The conference will be held at the OSHA office located at Tarrytown Area Office, 660 White Plains Road 4th Floor, Tarrytown, NY, 10591-5107 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.37(a)(2): Exit routes were not arranged so that employees would have to travel toward a high hazard area:

- a) Exit from Main Welding Area to Outside Door Frame Storage Area leading to Edgewater Road: A 5 gallon pail containing Red Oxide H/S Dip Primer (flammable) waste was stored underneath the outside stairwell landing on or about 07/14/04.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/10/2004
Proposed Penalty:	\$ 750.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

#### Citation 1 Item 2a Type of Violation: **Serious**

29 CFR 1910.95(d)(1): A representative monitoring program was not developed and implemented when information indicated that an employee's exposure may equal or exceed an 8-hour time-weighted average of 85 dBA:

- a) Grinding Area Along Wall - Outside of Dip Tank Room: On or about 8/19/04, an employee performing grinding of metal door frames using a hand-held grinder was exposed to noise levels in excess of the 8 hour time weighted action level of 85 decibels (dba) and the employer did not perform representative noise monitoring. The employee's 8-hour time weighted average exposure was 91.4 dbA, which is equivalent to a dose percentage of 103.0%. The sampling time was 350 minutes and zero exposure was assumed for the unsampled period of time.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/07/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 2b** Type of Violation: **Serious**

29 CFR 1910.95(g)(1): An audiometric testing program was not established and maintained for all employees whose noise exposure equaled or exceeded an 8-hour time-weighted average of 85 dBA:

- a) Grinding Area Along Wall - Outside of Dip Tank Room: On or about 8/19/04, an employee performing grinding of metal door frames using a hand-held grinder was exposed to noise levels in excess of the 8 hour time weighted action level of 85 decibels (dba) and the employer did not establish an audiometric testing program. The employee's 8-hour time weighted average exposure was 91.4 dbA which is equivalent to a dose percentage of 103.0%. The sampling time was 350 minutes and zero exposure was assumed for the unsampled period of time.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 2c Type of Violation: **Serious****

29 CFR 1910.95(i)(3): The employer did not give the employees an opportunity to select their hearing protectors from a variety of suitable hearing protectors:

- a) **Grinding Area Along Wall - Outside of Dip Tank Room:** On or about 8/19/04, an employee performing grinding of metal door frames using a hand-held grinder was exposed to noise levels in excess of the 8 hour time weighted action level of 85 decibels (dba) and the employer did not offer the employee a variety of suitable hearing protectors to choose from (e.g. ear muffs, etc.). The employee's 8-hour time weighted average exposure was 91.4 dbA, which is equivalent to a dose percentage of 103.0%. The sampling time was 350 minutes and zero exposure was assumed for the unsampled period of time.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 2d** Type of Violation: **Serious**

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8-hour time-weighted average of 85 dBA:

- a) Grinding Area Along Wall - Outside of Dip Tank Room: On or about 8/19/04, an employee performing grinding of metal door frames using a hand-held grinder was exposed to noise levels in excess of the 8 hour time weighted action level of 85 decibels (dBA) and the employer did not institute a training program in accordance with the standard. The employee's eight 8-hour time weighted average exposure was 91.4 dbA, which is equivalent to a dose percentage of 103.0%. The sampling time was 350 minutes and zero exposure was assumed for the unsampled period of time.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 2e** Type of Violation: **Serious**

29 CFR 1910.95(l)(1): A copy of 29 CFR 1910.95 was not made available to affected employees or their representatives and was not posted in the workplace:

- a) Grinding Area Along Wall - Outside of Dip Tank Room: On or about 8/19/04, an employee performing grinding of metal door frames using a hand-held grinder was exposed to noise levels in excess of the 8 hour time weighted action level of 85 decibels (dba) and the employer did not make available to affected employees or their representatives a copy of 29 CFR 1910.95 and did not post a copy in the workplace. The employee's 8-hour time weighted average exposure was 91.4 dbA, which is equivalent to a dose percentage of 103.0%. The sampling time was 350 minutes and zero exposure was assumed for the unsampled period of time.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004



**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.106(d)(2)(i): Approved container(s) or portable tank(s) were not used for the storage of flammable or combustible liquids:

- a) Dip Tank Room: Flammable liquids (Red Oxide H/S Dip Primer (flammable), xylene (flammable) and a combination of Red Oxide H/S Dip Primer and xylene (flammable) were stored in open containers on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/10/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.107(g)(2): Tool(s) used for cleaning purposes in spraying area(s) were not of nonsparking material:

- a) Spray Booth: An employee was scraping combustible paint debris from the floor of the spray booth with tools which were not made of non-sparking materials on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/22/2004
Proposed Penalty:	\$ 1000.00

**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.107(f)(3): Sprinklers protecting spraying areas were not kept as free of deposits as practicable:

- a) Spray Booth: An employee was performing spray painting with combustible paint and the sprinkler heads inside the spray booth were covered with paper bags which had thick overspray residues coated on them on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/22/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



### Citation and Notification of Penalty

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

#### Citation 1 Item 6a Type of Violation: **Serious**

29 CFR 1910.124(g)(2): When employees were working with liquids that could burn, irritate, or otherwise harm their skin, the employer did not provide an emergency shower and eyewash station close to the dipping or coating operation:

- a) Dip Tank Room: An employee was performing dipping of metal door frames into a tank containing Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol, butyl acetate, toluol) or about 6/19/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Abatement Note: The following must be provided:

1. Locker space or other storage space to prevent contamination of the employee's street clothes;
2. An emergency shower and eyewash station meeting ANSI Z358.1-2004, as indicated above, or in the alternative, a water hose that is at least 4 feet (1.22 m) long and at least 3/4 of an inch (18 mm) thick with a quick-opening valve and a carrying pressure of 25 pounds per square inch (1.62k/cm<sup>2</sup>) or less may be provided; and
3. At least one basin with a hot water faucet for every 10 employees who work with such liquids. (See paragraph (d) of 29 CFR 1910.141.).

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

Proposed Penalty: \$ 1250.00

**Citation 1 Item 6b** Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- a) Woodworking Area: An employee was using pouring concentrated muriatic acid and brushing it on as a solder flux and suitable facilities for quick drenching or flushing of the eyes (e.g. emergency eyewash or equivalent) were not provided on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT NOTE:** The emergency eyewash or equivalent must meet American National Standards Institute Standard (ANSI Z358.1 - 1998) and provide a minimum of 15 minutes of flushing capacity.

Date By Which Violation Must be Abated: 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 6c Type of Violation: **Serious****

29 CFR 1910.1052(i)(2): Where it was reasonably foreseeable that an employees eyes may contact solutions containing 0.1 percent or greater of methylene chloride, the employer did not provide appropriate eyewash facilities within the immediate work area for emergency use:

- a) **Main Welding Area - MIG Welding Station:** An employee sprayed Weld-Aid Nozzle Kleen Heavy Duty anti-spatter spray (greater than 85% methylene chloride) into the MIG welding gun nozzle and the employer did not provide an emergency eyewash within the immediate work area on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

**Citation 1 Item 7 Type of Violation: **Serious****

1910.125(e)(1)(i): Electrical wiring and equipment did not conform to the applicable hazardous (classified)-area requirements of Subpart S:

- a) **Dip Tank Room:** The hoist operating controls, used to raise and lower the hoist, were not rated as Class 1 Division 2 in accordance with subpart S on or about 6/28/04.

**Date By Which Violation Must be Abated:** 12/07/2004  
**Proposed Penalty:** \$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

#### Citation 1 Item 8a Type of Violation: **Serious**

29 CFR 1910.125(e)(4)(i): The employer did not ensure that all vapor areas were kept free of combustible debris:

- a) Dip Tank Room: An employee was coating metal door frames in a dip tank containing a combination of Red Oxide H/S Dip Primer (flammable) and xylene (flammable). Extensive amounts of primer/xylene residue was present on the dip tank platform, the floor/walkway leading from the dip tank to the finished-part staging area and adjacent areas on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/07/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 8b Type of Violation: Serious**

29 CFR 1910.125(e)(4)(ii): Rags and other materials contaminated with liquids from dipping or coating operations were not placed in approved waste cans immediately after use:

- a) **Dip Tank Room:** An employee was performing dipping of metal door frames into a tank containing Red Oxide H/S Dip Primer (flammable) and xylene (flammable). A thick matrix of rags and other materials contaminated with the primer/xylene combination was located on the platform surrounding the tank and adjacent areas. These rags and other materials were not placed in approved waste cans as required by the standard on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



### Citation and Notification of Penalty

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

#### Citation 1 Item 9a Type of Violation: **Serious**

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye protection when exposed to hazards from liquid chemicals, acids, chemical vapors or potentially injurious radiation:

- a) **Spray Painting Area:** An employee was spray painting doors using a spray paint containing (ethylene glycol monobutyl ether, butyl alcohol, and propylene glycol n-propyl ether) and was not required to wear eye protection (e.g., chemical splash goggles or equivalent) on or about 5/5/04.
- b) **Dip Tank Painting Operation:** An employee was sliding large metal door frames into a dip tank, turning the door frames and hoisting the door frames above the tank. The dip tank paint contained aromatic hydrocarbons, butyl alcohol, butyl acetate, toluol, stoddard solvent and the employee was not required to wear eye protection (e.g., chemical splash goggles or equivalent) on or about 5/5/04.
- c) **Grinding Operations - Throughout Company:** Employees performed grinding on door frames and various metal pieces and were not required to wear eye protection (e.g., safety glasses with sideshields) on or about 5/5/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT NOTE:** All eye protection is required to meet ANSI Z87.1-1989.

Date By Which Violation Must be Abated:	11/17/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 9b** Type of Violation: **Serious**

29 CFR 1910.1052(h)(1): The employer did not ensure that each employee wore eye protection where it was needed to prevent methylene chloride eye irritation:

- a) Main Weiding Area - MIG Welding Station: An employee sprayed Weld-Aid Nozzle Kleen Heavy Duty anti-spatter spray (greater than 85% methylene chloride) into the MIG welding gun nozzle and the employer did not ensure that the employee wore appropriate eye protection (e.g., chemical splash goggles or equivalent) on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT NOTE:** Eye protection must meet the requirements of 29 CFR 1910.133.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.136(a): The employer did not ensure that each affected employee used protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects:

- a) Throughout the Facility: Employees were engaged in moving heavy objects (e.g., partially assembled door frames, fully assembled door frames, doors, etc.) and were not required to use protective footwear (e.g., safety shoes or equivalent) on or about 7/14/04.

Abatement Note: The protective footwear must comply with ANSI Z41-1991, "American National Standard for Personal Protection - Protective Footwear".

Date By Which Violation Must be Abated: 12/07/2004  
Proposed Penalty: \$ 1750.00

**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

- a) Entire Company: Employees were expected to extinguish incipient stage fires and an educational program was not provided for employees as required by the standard on or about 6/29/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

Date By Which Violation Must be Abated: 12/07/2004  
Proposed Penalty: \$ 750.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

#### Citation 1 Item 12a Type of Violation: **Serious**

29 CFR 1910.252(b)(2)(i)(A): Helmets or hand shields were not used during all arc welding or arc cutting operations:

- a) MIG Welding Operations in Main Welding Area: An employee used a pair of sunglasses to perform metal inert gas (MIG) welding and did not use a welding helmet or welding hand shield on about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT NOTE:** All eye protection is required to meet ANSI Z87.1-1989.

Date By Which Violation Must be Abated:	11/17/2004
Proposed Penalty:	\$ 2500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 12b** Type of Violation: **Serious**

29 CFR 1910.252(b)(2)(i)(C): All operators and attendants of resistance welding or resistance brazing equipment did not use transparent face shields or goggles, depending on the particular job, to protect their faces or eyes, as required:

- a) Spot Welding Stations in Room Adjacent to Press Room - Along Whittier Street Side of Building: Employees performing spot welding on various metal pieces were not required to wear eye protection (e.g., transparent face-shields or equivalent) on or about 7/14/04.
- b) Spot Welding Station in Main Welding Room near Arc Welding Station: An employee performing spot welding on various metal pieces was not required to wear eye protection (e.g., transparent face-shields or equivalent) on or about 7/14/04.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

ABATEMENT NOTE: All eye protection is required to meet ANSI Z87.1-1989.

Date By Which Violation Must be Abated: 11/17/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 12c** Type of Violation: **Serious**

29 CFR 1910.255(b)(5): The hazard of flying sparks was not, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation:

- a) Spot Welding Stations in Room Adjacent to Press Room - Along Whittier Street Side of Building: Employees performing spot welding on various metal pieces and a guard was not installed to prevent eye and face contact with flying sparks on or about 7/14/04.
- b) Spot Welding Station in Main Welding Room near Arc Welding Station: An employee performing spot welding on various metal pieces and a guard was not installed to prevent eye and face contact with flying sparks on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

**Citation 1 Item 13a** Type of Violation: **Serious**

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- a) Metal Door Frame Grinding Area along wall outside of Dip Tank Room: Employees were performing grinding on metal door frames using a hand grinder and metal dust/debris and sparks were contacting the electrical receptacle (outlet box) on or about 8/19/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/22/2004
Proposed Penalty:	\$ 1000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 13b** Type of Violation: **Serious**

29 CFR 1910.305(b)(2): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

- a) Dip Tank Room: A junction box located just below the hoist operating control switches was missing a cover on or about 6/28/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

- a) Woodworking Area: The top door shelf inside the refrigerator was contaminated with 513.5 micrograms (ug) of lead per 100 square centimeter surface area (cm<sup>2</sup>) on or about 7/14/04.
- b) Woodworking Area: The refrigerator door handle was contaminated with 1,839 ug of lead / 100 cm<sup>2</sup> surface area on or about 7/14/04
- c) Woodworking Area: An employee heats up food using an small solder oven which is used to melt lead solder. The top surface of the solder oven was contaminated with 945.2 ug of lead / 100 cm<sup>2</sup> surface area on or about 7/14/04
- d) Woodworking Area: An employee was eating lunch on the front table which was contaminated with 3,311.7 ug of lead / 100 cm<sup>2</sup> surface area on or about 7/14/04.
- e) Woodworking Area: An employee was eating lunch on the front table which was contaminated with 1,412 ug of lead / 100 cm<sup>2</sup> surface area on or about 8/19/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/07/2004
Proposed Penalty:	\$ 750.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

**Citation 1 Item 15a Type of Violation: Serious**

29 CFR 1910.1200(e)(1): The employer did not implement at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

- a) Entire Company: Employees were exposed to various hazardous chemicals including but not limited to: Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol, stoddard solvent), xylene, Weld-Aid Nozzle Kleen Heavy Duty Anti-Spatter Spray (methylene chloride), welding fumes (manganese) and hydrochloric acid. The employer did not implement the company's written hazard communication program as required by the standard on or about 7/14/04.

**NOTE:** In addition to abatement certification, the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/07/2004
Proposed Penalty:	\$ 1250.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 15b** Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

- a) Dip Tank Room: Parts were being dip coated using Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol) in a dip tank which was not labelled with the identity of the hazardous chemicals it contained on or about 5/5/04.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated: 12/07/2004

**Citation 1 Item 15c** Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

- a) Dip Tank Room: Parts were being dip coated using Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol) in a dip tank which was not labelled with the hazard warnings of the hazardous chemicals it contained on or about 5/5/04.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated: 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 15d Type of Violation: **Serious****

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used:

- a) Dip Tank Room: Parts were being dip coated using Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol) in a dip tank and the employer did not have a material safety data sheet for the chemical contained in the tank on or about 5/5/04.
- b) Main Welding Area - MIG Welding Station: An employee sprayed Weld-Aid Nozzle Kleen Heavy Duty anti-spatter spray (greater than 85% methylene chloride) into the MIG welding gun nozzle. The employer did not have a material safety data sheet for this chemical on or about 7/14/04.

**NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.**

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 15e Type of Violation: **Serious****

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference: 1926.59)

- a) Entire Company: Employees were exposed to various hazardous chemicals including but not limited to: Red Oxide H/S Dip Primer (aromatic hydrocarbons, butyl alcohol, stoddard solvent), xylene, Weld-Aid Nozzle Kleen Heavy Duty Anti-Spatter Spray (methylene chloride), welding fumes (manganese) and hydrochloric acid. The employer did not provide information and training as required by the standard on or about 7/14/04.

**NOTE:** In addition to abatement certification, the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 15f Type of Violation: **Serious****

29 CFR 1910.1025(l)(1)(i): Employee(s) working in an area where there is potential exposure to airborne lead at any level were not informed of the content of Appendices A and B of this regulation:

- a) **Woodworking Area:** An employee was melting and using 50/50 lead solder and had not been informed of the content of Appendices A and B of the OSHA lead standard on or about 8/19/04.
- b) **Main Welding Area:** An employee performing arc welding in the assembly of doors using lead was not informed of the content of Appendices A and B of the OSHA lead standard on or about 8/19/04.

**NOTE:** In addition to abatement certification, the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated:** 12/07/2004

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 307659383  
Inspection Dates: 05/05/2004 - 10/13/2004  
Issuance Date: 11/02/2004



**Citation and Notification of Penalty**

Company Name: JGB LLC dba General Fire-Proof Door Corporation  
Inspection Site: 913 Edgewater Road, Bronx, NY 10474

**Citation 1 Item 15g Type of Violation: Serious**

29 CFR 1910.1052(l)(3)(i): Affected employees were not informed of the requirements of this section and information available in its appendices, as well as how to access or obtain a copy of it in the workplace:

- a) Main Welding Area - MIG Welding Station: An employee sprayed Weld-Aid Nozzle Kleen Heavy Duty anti-spatter spray (greater than 85% methylene chloride) into the MIG welding gun nozzle and the employer did not provide the information required by the standard on or about 8/19/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**Date By Which Violation Must be Abated: 12/07/2004**

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



### Citation and Notification of Penalty

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474

#### Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1910.134(c)(2)(i): The employer did not provide the information contained in Appendix D ("Information for Employees Using Respirators When Not Required Under the Standard") to employees who were permitted to voluntarily wear respiratory protection:

- a) Entire Facility: The employer made available a Premier Safety Style 810 Disposable Non-Toxic Dust and Filter Mask to employees but did not provide the information contained in Appendix D on or about 9/27/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	12/07/2004
Proposed Penalty:	\$ 500.00

#### Citation 2 Item 2 Type of Violation: **Other**

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

- a) Throughout the Manufacturing Portion of the Company: Bathroom floors and toilets were not kept in sanitary condition on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/17/2004
Proposed Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 307659383  
**Inspection Dates:** 05/05/2004 - 10/13/2004  
**Issuance Date:** 11/02/2004



**Citation and Notification of Penalty**

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474


**Citation 2 Item 3** Type of Violation: **Other**

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

- a) Throughout the Manufacturing Portion of the Company: Individual hand towels or equivalent were not provided on or about 7/14/04.

**NOTE:** The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/17/2004
Proposed Penalty:	\$ 0.00

  
Diana Cortez  
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Tarrytown Area Office  
660 White Plains Road 4th Floor  
Tarrytown, NY 10591-5107  
Phone: (914)524-7510 FAX: (914)524-7515  
OSHA Website Address: <http://www.osha.gov>



## INVOICE/ DEBT COLLECTION NOTICE

**Company Name:** JGB LLC dba General Fire-Proof Door Corporation  
**Inspection Site:** 913 Edgewater Road, Bronx, NY 10474  
**Issuance Date:** 11/02/2004

**Summary of Penalties for Inspection Number 307659383**

Citation 1, Serious	= \$	17000.00
Citation 2, Other	= \$	500.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>17500.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:  
"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.


Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 2%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.



**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
Diana Cortez  
Area Director

11/2/04  
\_\_\_\_\_  
Date

# **EXHIBIT C**

SECRETARY OF LABOR,

Complainant,

v.

JGB LLC d/ba GENERAL FIRE-PROOF  
DOOR CORP.,

Respondent.

Docket Nos. 04-2153 & 04-2154

ORDER

Motion by the Secretary for an order imposing sanctions on the Respondent for failure to comply with the Order of the undersigned, dated July 19, 2005 directing response to the Secretary's discovery requests.

The Secretary served upon the Respondent on April 29, 2005 its First set of Interrogatories and First request for Production of Documents. Upon receiving no response, on June 29, 2005 the Secretary moved the undersigned for an order to compel the Respondent to respond.

On July 17, 2005, I issued an order to the Respondent directing him to comply with all discovery requests made. The Respondent did not respond.

By making no attempt to comply, nor in any way asserting they lacked the ability to comply with my order fully demonstrates a wilful determination not to. Such flagrant and wilful intransigence calls for the severest sanction.

Accordingly, the notice of contest in the captioned cases is dismissed, the Respondent is held in DEFAULT, and the citations in both cases captioned above are AFFIRMED as issued.

IRVING SOMMER  
Chief Judge

DATED: August 29, 2005  
Washington, D.C.

# **EXHIBIT D**



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW  
COMMISSION**

1120 20<sup>th</sup> Street, N.W., Ninth Floor  
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

JGB LLC d/b/a General Fire-Proof Door  
Corp.,

Respondent.

OSHRC Docket Nos. 04-2153 & 04-2154

**APPEARANCES:**

Daniel J. Mick, Esq., U.S. Department of Labor, Washington, D.C.

For the Complainant

Rubin Kuszel, *pro se*, General Manager, General Fire-Proof Door, Bronx, New York

For the Respondent

**ORDER**

Before: RAILTON, Chairman, and ROGERS, Commissioner.

**BY THE COMMISSION:**

On August 17, 2005, Chief Judge Irving Sommer granted the Secretary's motion for sanctions based on the failure of JGB LLC d/b/a/ General Fire-Proof Door Corp. (JGB), appearing *pro se*, to comply with the judge's order directing the company to respond to the Secretary's discovery requests. The judge entered a default judgment against JGB, affirming the citations issued by the Secretary, which alleged numerous general industry standard violations primarily with regard to machine guarding, and assessing the total proposed penalty of \$70,750.

After being found in default for failure to comply with the judge's discovery order, JGB, again appearing *pro se*, filed a timely petition for discretionary review of the

judge's decision. The Commission's subsequent briefing notice, issued on October 27, 2005, instructed the parties to file opening briefs within 30 days of the date of the notice. The notice also specifically stated that "[a] party who does not intend to file a brief must notify the Commission in writing, setting forth the reason therefore within the applicable time for filing briefs, and shall serve a copy on all other parties." The Secretary filed a timely brief with the Commission. The deadline for filing a brief has passed. To this date, JGB has neither filed a brief nor notified the Commission of its intent not to do so.

Under Commission Rule 93(d), 29 C.F.R. § 2200.93(d), "[i]f a petitioning party fails to respond to a briefing notice or expresses no interest in review, the Commission may vacate the direction for review, or it may decide the case without that party's brief." *See, e.g., Honey Creek Contracting Co.*, 1998 CCH OSHD ¶ 31,701 (Nos. 97-0353 & 97-0462, 1998) (direction for review vacated where Respondent failed to respond to briefing notice and Secretary's motion); *Pride Petroleum Services*, 1993-95 CCH OSHD ¶ 30,619 (No. 92-3382, 1994) (direction for review vacated where Respondent failed to respond to briefing notice and Commission's show cause order); *D.A. & S. Oil Well Servicing, Inc.*, 1987 OSAHRC LEXIS 182 (No. 85-604, 1987) (direction for review vacated where Respondent failed to file timely brief); *see also Imageries*, 15 BNA OSHC 1545, 1547, 1991-93 CCH OSHD ¶ 29,639, p. 40,131 (No. 90-378, 1992) (Commission deciding a case without the petitioning party's brief and finding that the *pro se* employer's failure to respond, both before the Commission and the judge, meant that the record lacked any basis "upon which the Commission can rely to grant Imageries relief from the judge's order").

The Commission has provided JGB an opportunity to respond to the judge's order. JGB's continuing inaction signals that it has no intention of participating in this proceeding in the manner offered by the Commission. While parties appearing *pro se* may "require additional consideration of their circumstances[.]" such litigants "are not exempt from following Commission rules and procedures that require all litigants to take *some* action or suffer a penalty." *Imageries*, 15 BNA OSHC at 1547, 1991-93 CCH OSHD at p. 40,131 (emphasis in original). Because JGB has failed to act on that



opportunity with no explanation for its inaction, we exercise our discretion to vacate the direction for review.

Accordingly, the direction for review is vacated due to JGB's failure to respond to the briefing notice. The administrative law judge's decision is a final order.

SO ORDERED.

/s/ \_\_\_\_\_  
W. Scott Railton  
Chairman

/s/ \_\_\_\_\_  
Thomasina V. Rogers  
Commissioner

Dated: February 2, 2006

# **EXHIBIT E**

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Tarrytown Area Office  
660 White Plains Road 4th Floor  
Tarrytown, NY 10591-5107  
(914) 524-7510  
Fax: (914) 524-7515  
OSHA Website Address: <http://www.osha.gov>



April 21, 2006

Rubin Kuszel, President  
JGB LLC dba General Fire-Proof Door Corporation  
913 Edgewater Road  
Bronx, NY 10474

Inspection Number: 307659144  
Reporting ID : 0216000  
Due Date : 02/02/2006  
Delinquent Date : 03/02/2006

Dear Mr. Kuszel:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on November 2, 2004. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 2 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six percent (6%) a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service (IRS). To preclude exercise of the authorities discussed above and to

avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid: \$0.00

The current unpaid balance of the total penalty assessed is: \$53,250.00

The current total of interest accrued is: \$177.50

The current total delinquent charge (6% annual rate) is: \$0.00

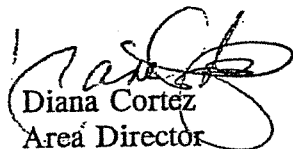
The current total charge to cover administrative costs is: \$10.00

TOTAL AMOUNT NOW DUE

\$53,437.50

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,

  
Diana Cortez  
Area Director

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Tarrytown Area Office  
660 White Plains Road 4th Floor  
Tarrytown, NY 10591-5107  
(914) 524-7510  
Fax: (914) 524-7515  
OSHA Website Address: <http://www.osha.gov>



April 21, 2006

Rubin Kuszel, President  
JGB LLC dba General Fire-Proof Door Corporation  
913 Edgewater Road  
Bronx, NY 10474

Inspection Number: 307659383  
Reporting ID : 0216000  
Due Date : 02/02/2006  
Delinquent Date : 03/02/2006

Dear Mr. Kuszel:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on November 2, 2004. Payment was due after a contest and appeal on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 2 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six percent (6%) a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service (IRS). To preclude exercise of the authorities discussed above and to

avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid: \$0.00

The current unpaid balance of the total penalty assessed is: \$17,500.00

The current total of interest accrued is: \$58.33

The current total delinquent charge (6% annual rate) is: \$0.00

The current total charge to cover administrative costs is: \$10.00

**TOTAL AMOUNT NOW DUE**

**\$17,568.33**

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,

  
Diana Cortez  
Area Director



# **EXHIBIT F**



**DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
BIRMINGHAM, AL 35283-0794**

September 9, 2006

JGB LLC DBA General Fire-Proof Door  
913 Edgewater Road  
Bronx, NY 10474

FedDebt Case Identification: 2006218190A

Dear JGB LLC DBA General Fire-Proof Door:

Your unpaid delinquent debt owed to the Department of Labor, Occupational Safety and Health Admin. OSHA, has been referred to the U.S. Department of the Treasury for collection. According to the records of the Department of Labor, you owe \$55,133.75.

Collection action will continue unless you make payment, within ten (10) days from the date of this letter, in the amount of \$70,571.20, which includes all applicable fees, interest, and penalties, as of today.

If you wish to avoid further collection action and additional charges, you must immediately pay your debt. Your check or money order should be made payable to the U.S. Treasury-FMS. To ensure proper credit to your account, please include the FedDebt Case Identification Number 2006218190A in the memo section of your payment. Please note that we accept credit card payments via MasterCard, Visa, or Discover.

Please send your payment with the attached PAYMENT COUPON to: U.S. Department of the Treasury - FMS  
Debt Management Services  
Post Office Box 105576  
Atlanta, GA 30348

Correspondence should be mailed to: U.S. Department of the Treasury  
Debt Management Services  
Post Office Box 830794  
Birmingham, AL 35283-0794

If you are unable to pay your debt in full, please contact a Customer Service Representative toll free at (888) 826-3127, or the Telecommunications Device for the Deaf (TDD) at (866) 896-2947.

U. S. Department of the Treasury  
Debt Management Services

DSRDL\_003\_ fdv1

Detach Here  
PAYMENT COUPON

00000001362006218190A DL\_0002088007 108

FedDebt Case Identification Number: 2006218190A

Amount Due: \$70,571.20

Amount Enclosed: \_\_\_\_\_

JGB LLC DBA General Fire-Proof Door  
913 Edgewater Road  
Bronx, NY 10474

**METHOD OF PAYMENT (check one):**

*Make check/money order payable to: U.S. Department of Treasury - FMS*

☐ Personal/Company Check    ☐ Money Order    ☐ Bank Check  
☐ Visa    ☐ MasterCard    ☐ Discover

Credit Card Account Number: \_\_\_\_\_



**DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
BIRMINGHAM, AL 35283-0794**

September 9, 2006

JGB LLC DBA General Fire-Proof Door  
913 Edgewater Road  
Bronx, NY 10474

FedDebt Case Identification: 2006218079A  
Dear JGB LLC DBA General Fire-Proof Door:

Your unpaid delinquent debt owed to the Department of Labor, Occupational Safety and Health Admin, OSHA, has been referred to the U.S. Department of the Treasury for collection. According to the records of the Department of Labor, you owe \$18,132.50.

Collection action will continue unless you make payment, within ten (10) days from the date of this letter, in the amount of \$23,209.60, which includes all applicable fees, interest, and penalties, as of today.

If you wish to avoid further collection action and additional charges, you must immediately pay your debt. Your check or money order should be made payable to the U.S. Treasury-FMS. To ensure proper credit to your account, please include the FedDebt Case Identification Number 2006218079A in the memo section of your payment. Please note that we accept credit card payments via MasterCard, Visa, or Discover.

Please send your payment with the attached PAYMENT COUPON to: U.S. Department of the Treasury - FMS  
Debt Management Services  
Post Office Box 105576  
Atlanta, GA 30348

Correspondence should be mailed to: U.S. Department of the Treasury  
Debt Management Services  
Post Office Box 830794  
Birmingham, AL 35283-0794

If you are unable to pay your debt in full, please contact a Customer Service Representative toll free at (888) 826-3127, or the Telecommunications Device for the Deaf (TDD) at (866) 896-2947.

U. S. Department of the Treasury  
Debt Management Services

DSBDL\_003\_ fdv1

Detach Here  
PAYMENT COUPON

00000001372006218079A DL\_0002098007 108

FedDebt Case Identification Number: 2006218079A  
Amount Due: \$23,209.60  
Amount Enclosed: \_\_\_\_\_

JGB LLC DBA General Fire-Proof Door  
913 Edgewater Road  
Bronx, NY 10474

**METHOD OF PAYMENT (check one):**

*Make check/money order payable to: U.S. Department of Treasury - FMS*

☐ Personal/Company Check ☐ Money Order ☐ Bank Check  
☐ Visa ☐ MasterCard ☐ Discover

Credit Card Account Number: \_\_\_\_\_

# **EXHIBIT G**

RECEIVED  
DEBT SERVICE BUREAU

**JGB LLC** 2006 OCT 13 AM 9:14  
**913 EDGEWATER ROAD**  
**BRONX, N.Y. 10474**

October 10, 2006

US DEPT OF TREASURY  
DEBT MANAGEMENT SERVICES  
P.O. BOX 830794  
BIRMINGHAM, AL. 35283

RE: CASE # 2006218190A P307659144  
2006218079A P307659382

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT JGB LLC, dba AS GENERAL FIRE-PROOF  
DOOR HAS CEASED ALL MANUFACTURING OPERATIONS AS OF  
FEBRUARY 2006, AT THIS POINT IN TIME WE DO NOT HAVE THE MONEY  
TO PAY THESE FINES AND WOULD LIKE TO WORK OUT A SETTLEMENT  
AGREEMENT IF POSSIBLE. PLEASE ADVISE.

VERY TRULY YOURS,

RUBIN KUSZEL  
GENERAL MANAGER

# **EXHIBIT H**





U. S. DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D. C.

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety and Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address(es):

JGB, LLC (d.b.a. General Fire-Proof Door Corporation, Proof, Ltd.)  
913 Edgewater Road  
Bronx, NY 10474

Total debt due United States as of February 26, 2008: \$72,688.34

I certify that the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim reportedly arose in connection with workplace safety violations under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq., as noted during inspections of debtor's work-place, which took place between May and October 2004.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety and Health Administration.

Date:

2/26/08

Regina Crisafulli  
Financial Program Specialist  
U.S. Department of the Treasury  
Financial Management Service



U. S. DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D. C.

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety and Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address(es):

JGB, LLC (d.b.a. General Fire-Proof Door Corporation, Proof, Ltd.)  
913 Edgewater Road  
Bronx, NY 10474


**Total debt due United States as of February 26, 2008: \$23,905.89**

I certify that the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim reportedly arose in connection with workplace safety violations under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq., as noted during inspections of debtor's work-place, which took place between May and October 2004.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety and Health Administration.

Date: 2/26/08

  
Regina Crisafulli  
Financial Program Specialist  
U.S. Department of the Treasury  
Financial Management Service